



The City of New York  
**Law Department**  
100 CHURCH STREET  
NEW YORK, NY 10007

**ZACHARY W. CARTER**  
*Corporation Counsel*

**ISAAC S. BASKIN**  
Assistant Corporation Counsel  
Labor & Employment Law Division  
Phone: (212) 356-1654  
Fax: (212) 356-2439  
Email: [ibaskin@law.nyc.gov](mailto:ibaskin@law.nyc.gov)  
Email and Fax No. **Not** for Service of Papers

August 30, 2018

**BY ECF**

Honorable Robert W. Sweet  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Harewood v. New York City Department of Education, et al.,  
18-CV-05487  
Our No. 2018-048112

Dear Judge Sweet:

I am an Assistant Corporation Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, attorney for defendants New York City Department of Education (“DOE”)<sup>1</sup> and Robert Mercedes (“Mercedes”)(collectively, the “Defendants”). Defendants write to respectfully request an extension of time, on behalf of all defendants, to respond to the Complaint until September 21, 2018. This is DOE’s second request for an extension of time to respond to the Complaint, and plaintiff’s counsel, Bryan Glass, Esq., consents to this request. This request would not affect future deadlines, which include the initial conference that has been scheduled for October 30, 2018.

Defendants respectfully request a 21-day extension of time for the following reasons. First, Defendants require additional time to investigate the allegations in the Complaint and respond appropriately. Second, defendant Andrea Varona (“Varona”), has recently requested representation from this office. This office needs time to review whether to offer representation to Varona in this matter, pursuant to New York General Municipal Law § 50-k. See Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)). Thus, the requested extension of time will also permit this office to coordinate the filing of a single response on behalf of all individually named defendants that this office represents.

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<sup>1</sup> DOE is, formally, the Board of Education of the City School District of the City of New York.

**HONORABLE ROBERT W. SWEET**

United States District Judge

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Furthermore, the upcoming Jewish holidays of Rosh Hashanah and Yom Kippur will inhibit Defendants' counsel's ability to investigate the Complaint's allegations and conduct a representation interview pursuant to New York General Municipal Law § 50-k, in this matter.

Accordingly, Defendants respectfully request an extension, on consent, of time for all defendants to respond to the Complaint until September 21, 2018. Thank you for your consideration of this matter.

Respectfully submitted,

[ECF] /S/

Isaac S. Baskin

Assistant Corporation Counsel

cc (By ECF):

Glass Krakower LLP

Attorneys for Plaintiff

100 Church Street, 8<sup>th</sup> Floor, Suite 800

New York, New York 10007